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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,510	11/21/2003	David Mak-Fan	13210-96	2997
1059 7550 06/26/2008				
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			EXAMINER ZIA, SYED	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 06/26/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/719,510

**Applicant(s)**

MAK-FAN ET AL.

**Examiner**

SYED ZIA

**Art Unit**

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 26 March 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7, 22 and 28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 7, 22 and 28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 05/2008

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on March 23, 2008. Original application contained Claims 1-42. Applicant previously amended Claims 1, 2, 22, and 23, and also cancelled Claims 2-6, 8-21, 23-27, and 29-42. Applicant currently amended Claims 1, and 22. The amendment filed on March 23, 2008 have been entered and made of record. Presently pending claims are 1, 7, 22, and 28.

### ***Response to Arguments***

Applicant's arguments filed on March 23, 2008 have been fully considered but they are not persuasive because of the following reasons:

Regarding Claims 1, 12, 22, and 23 applicants argued that the cited prior arts (CPA) [by Bork et al. U. S. Patent 6,633,932] that “*The claims are generally directed to a device connected to a computer, the device being a PDA that is capable of representing itself as a hub instead of representing itself as a PDA in order to be charged. This functionality, for example, allows the PDA to utilize existing pre-packaged drivers provided by some computers. The device disclosed in Bork is not such a PDA*”.

This is not found persuasive. The system of cited prior art teaches system, method and apparatus for using a universal serial bus to provide power to a portable electronic device, thus

provide power source for portable electronic devices, e.g. PDA, cellular telephone that uses universal serial bus (USB) connector of computer. The system comprises a computer that has a universal serial bus (USB) and a connector coupling USB to an external surface of computer; a cellular phone which is connected to the power source via the computer; and a cable that connects the cellular phone to the connector in the computer to power or to recharge a portable electronic device, e.g. PDA, cellular telephone and similar devices. The computer is coupled to the cellular telephone via a cable having one end connected to a first connector and another end connected to a second connector, the first connector being connected to the USB connector on said computer, and the second connector being connected to external power input connector on said portable electronic device. The cable includes electronic circuitry for converting the voltage level supplied by the USB to a voltage level usable by the portable electronic device.

As a result, the system of cited prior art does implement and teaches a system and method that relates to powering peripheral devices that can be connected to (Fig. 1-7, and col.5 line 15 to col.8 line 29).

Therefore, the examiner asserts that cited prior art does teach or suggest the subject matter broadly recited in independent Claims 1, 22 and in subsequent dependent Claims. Accordingly, rejections for claims 1, 7, 22, and 28 are respectfully maintained.

***Claim Rejections - 35 USC § 102***

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 7, 22, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bork et al. U. S. Patent 6,633,932.

2. Regarding claim 1 Bork teach and describe a system and method for at least one of charging and powering a personal digital assistant device, the method comprising: connecting the personal digital assistant to a computer comprising a universal serial bus hub driver, the personal digital assistant connected to the computer using a connector comprising a cable having a universal serial bus compliant plug and port combination, wherein software installed in the peripheral device personal digital assistant is configured to represent the personal digital assistant to the computer as a hub instead of as a personal digital assistant to draw that enables the peripheral device to be at least one of charge and powered from the computer by sending a first signal to the computer, and wherein the software is configured to represent the personal digital assistant to the computer as the hub being connected to one peripheral device if the personal digital assistant is not connected to any peripheral devices by sending a second signal to the computer; sending the first signal to the computer wherein the first signal is compliant with a universal serial bus standard; sending the second signal to the computer, wherein the second signal is compliant with a universal serial bus standard; and at least one of

charge and power appropriate for a represented one peripheral device connected to the hub in response to the first and second signals, from the computer (Fig. 1-7, and col.5 line 15 to col.8 line 29).

3. Regarding claim 22 Bork teach and describe a system for at least one of charging and powering a personal digital assistant, the system comprising:

a connector for connecting the personal digital assistant to the computer comprising a universal serial bus hub driver, the connector comprising a cable having a universal serial bus compliant plug and port combination;

a software module in the personal digital assistant comprising a first signal module configured to represent the personal digital assistant to the computer as a hub instead of as a personal digital assistant to draw at least one of charged and powered from the computer by sending a first signal to the computer, and a second signal module configured to represent the personal digital assistant to the computer as the hub being connected to one peripheral device if the personal digital assistant is not connected to any peripheral devices by sending a second signal to the computer; and a power-charge receptor in the personal digital assistant for receiving at least one of charge and power appropriate for a represented one peripheral device connected to the hub in response to the first and second signals, from the computer (Fig. 1-17, and col.5 line 15 to col.8 line 29).

4. Claims 7, and 28 are rejected applied as above in rejecting claims 1, and 22. Furthermore, Bork teach and describe a system and method for powering peripheral device: wherein:

As per Claims 7, and 28, the universal serial bus hub driver is a Windows<sup>TM</sup> based hub driver that complies the universal bus standard (col.5 line 15 to col.6 line 26).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED ZIA whose telephone number is (571)272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sz  
June 19, 2008  
/Syed Zia/  
Primary Examiner, Art Unit 2131